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of the State of California  
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7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation  
Against:

Case No. 2005-128

12 EUCHARIA ADA EKE aka  
13 EUCHARIA ADA OSUJI  
29400 Baseline Street  
14 Highland, CA 92346

**PETITION TO REVOKE  
PROBATION**

15 Registered Nurse License No. 489133

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN, (Complainant) brings this Petition to  
20 Revoke Probation solely in her official capacity as the Interim Executive Officer of the Board of  
21 Registered Nursing, Department of Consumer Affairs (Board).

22 2. On or about March 31, 1993, the Board issued Registered Nurse License  
23 No. 489133 to Eucharía Ada Eke aka Eucharía Ada Osuji (Respondent). Effective August 12,  
24 2005, the Board of Registered Nursing in a disciplinary action entitled "In the Matter of the  
25 Accusation Against Eucharía Ada Eke aka Eucharía Ada Osuji," Case No. 2005-128, issued a  
26 decision, in which Respondent's Registered Nurse License was revoked. However, the  
27 revocation was stayed and Respondent's license was placed on probation for a period of three (3)  
28

1 years with certain terms and conditions. A copy of that decision is attached as Exhibit A and  
2 incorporated by reference. Respondent's Registered Nurse License will expire on September 30,  
3 2010, unless renewed.

#### 4 JURISDICTION

5 3. This Petition to Revoke Probation is brought before the Board, under the  
6 authority of the following laws. All Section references are to the Business and Professions Code  
7 unless otherwise indicated.

8 4. Section 2750 provides, in pertinent part, that the Board may discipline any  
9 licensee, including a licensee holding a temporary or an inactive license, for any reason provided  
10 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

11 5. Section 2764 provides, in pertinent part, that the expiration of a license  
12 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
13 licensee or to render a decision imposing discipline on the license. Under Section 2811,  
14 subdivision (b), the Board may renew an expired license at any time within eight years after the  
15 expiration.

16 6. Section 118, subdivision (b), provides that the suspension, expiration,  
17 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
18 disciplinary action during the period within which the license may be renewed, restored, reissued  
19 or reinstated.

20 7. Section 125.3 provides, in pertinent part, that the Board may request the  
21 administrative law judge to direct a licensee found to have committed a violation or violations  
22 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
23 enforcement of the case.

#### 24 **PETITION TO REVOKE PROBATION**

#### 25 PROBATION TERMS

26 8. Among the terms and conditions imposed on Respondent by the Board in  
27 Case No. 2005-128, are:

28 2. **Comply with the Board's Probation Program.** Respondent shall fully comply

1 with the conditions of the Probation Program established by the Board and cooperate with the  
2 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
3 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
more than 15 days of any address change and shall at all times maintain an active, current license  
status with the Board, including any period of suspension.

4 Upon successful completion of probation, Respondent's license shall be fully restored.

5 **5. Submit Written Reports.** Respondent, during the period of probation, shall  
6 submit or cause to be submitted such written reports/declarations and verification of actions  
7 under penalty of perjury, as required by the Board. These reports/declarations shall contain  
statements relative to Respondent's compliance with all the conditions of the Board's Probation  
Program. Respondent shall immediately execute all release of information forms as may be  
required by the Board or its representatives.

8 Respondent shall provide a copy of this Decision to the nursing regulatory agency in  
every state and territory in which she has a registered license.

9 **6. Function as a Registered Nurse.** Respondent, during the period of probation,  
10 shall engage in the practice of registered nursing in California for a minimum of 24 hours per  
week for 6 consecutive months or as determined by the Board.

11 For purposes of compliance with the section, "engage in the practice of registered  
nursing" may include, when approved by the Board, volunteer work as a registered nurse, or  
work in any non-direct patient care position that requires licensure as a registered nurse.

12 The Board may require that advanced practice nurses engage in advanced practice nursing  
for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

13 If Respondent has not complied with this condition during the probationary term, and  
14 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
condition, and if no other conditions have been violated, the Board, in its discretion, may grant  
an extension of Respondent's probation period up to one year without further hearing in order to  
15 comply with this condition. During the one year extension, all original condition of probation  
shall apply.

16 **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll  
17 and successfully complete a course(s) relevant to the practice of registered nursing no later than  
six months prior to the end of her probationary term.

18 Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
19 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
above required course(s). The Board shall return the original documents to Respondent after  
20 photocopying them for its records.

21 **14. Therapy or Counseling Program.** Respondent, at her expense, shall participate  
22 in an on-going counseling program until such time as the Board releases her from this  
requirement and only upon the recommendation of the counselor. Written progress reports from  
the counselor will be required at various intervals.

### 23 GROUND'S FOR REVOKING PROBATION

24 9. Grounds exist for revoking probation and reimposing the order of  
25 revocation of Respondent's license in that Respondent failed to comply with the following terms  
26 of probation:

27 a. Probation Condition No. 2, Comply with the Board's Probation Program,  
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1 by failing to follow the terms and conditions of her probation, particularly as to conditions Nos.  
2 2, 5, 6, 10, and 14 and failing to maintain a current license status. Respondent's license expired  
3 September 30, 2006, and was not renewed until September 9, 2008.

4 b. Probation Condition No. 5. Submit Written Reports, by failing to submit  
5 the required On-Going Therapy Verification form by the due date of October 30, 2005. The form  
6 was eventually received by the Board in April, 2007.

7 c. Probation Condition No. 6. Function as a Registered Nurse, by failing to  
8 work as a registered nurse for the minimum of 24 hours per week for 6 consecutive months.

9 d. Probation Condition No. 10. Complete a Nursing Course, by failing to  
10 complete required assigned nursing course(s) no later than six months prior to the end of the  
11 original probation term. The courses were eventually completed as of June 22, 2008.

12 e. Probation Condition No. 14. Therapy or Counseling Program, by failing to  
13 submit the On-Going Therapy Verification form by the due date of October 30, 2005.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
16 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking the probation that was granted by the Board of Registered  
18 Nursing in Case No. 2005-128 and imposing the disciplinary order that was stayed thereby  
19 revoking Registered Nurse License No. 489133 issued to Eucharia Ada Eke aka Eucharia Ada  
20 Osuji;

21 2. Revoking or suspending Registered Nurse License No. 489133, issued to  
22 Eucharia Ada Eke aka Eucharia Ada Osuji;

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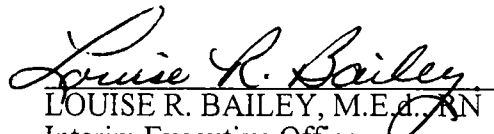
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1                   3.       Ordering Eucharía Ada Eke aka Eucharía Ada Osuji to pay the Board of  
2 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
3 pursuant to Business and Professions Code section 125.3;

4                   4.       Taking such other and further action as deemed necessary and proper.

5  
6 DATED: 8/5/09

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8   
9 LOUISE R. BAILEY, M.E.d., RN  
10 Interim Executive Officer  
11 Board of Registered Nursing  
12 Department of Consumer Affairs  
13 State of California

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19 Complainant

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**Exhibit A**

**Decision and Order**

**Board of Registered Nursing Case No. 2005-128**

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

EUCHARIA ADA EKE  
aka EUCHARIA ADA OSUJI  
29400 BASELINE ROAD  
HIGHLAND, CA 92346

Case No. 2005-128

Registered Nurse License No. 489133

Respondent

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as it's Decision in the above entitled matter.

This Decision shall become effective on AUGUST 12, 2005.

IT IS SO ORDERED JULY 13, 2005.

*Sandra L. Erickson*

President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SHARON F. COHEN, R.N., State Bar No. 107140  
Supervising Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
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Telephone: (213) 897-2533  
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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2005-128

12 EUCHARIA ADA EKE  
aka EUCHARIA ADA OSUJI  
13 29126 Rosewood Lane  
Highland, CA 92346  
14

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Registered Nurse License No. 489133

16 Respondent.  
17

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
19 above-entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of  
22 the Board of Registered Nursing. She brought this action solely in her official capacity and is  
23 represented in this matter by Bill Lockyer, Attorney General of the State of California, by Sharon  
24 F. Cohen, R.N., Supervising Deputy Attorney General.

25 2. Respondent Eucharía Ada Eke aka Eucharía Ada Osuji Eucharía Ada  
26 Osuji Eke (Respondent) is representing herself in this proceeding and has chosen not to exercise  
27 her right to be represented by counsel.

28 ///

3. On or about March 31, 1993, the Board of Registered Nursing issued Registered Nurse License No. 489133 to Eucharia Ada Eke aka Eucharia Ada Osuji (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2005-128 and will expire on September 30, 2006, unless renewed.

## JURISDICTION

4. Accusation No. 2005-128 was filed before the Board of Registered Nursing (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 9, 2005. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2005-128 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2005-128. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2005-128.

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9. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board of Registered Nursing (Board) 's imposition of discipline as set forth in the Disciplinary Order below.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 489133 issued to Respondent Eucharia Ada Eke aka Eucharia Ada Osuji (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

**Severability Clause.** Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other

1 applications thereof, shall not be affected. Each condition of this Order shall separately be valid  
2 and enforceable to the fullest extent permitted by law.

3           1.       **Obey All Laws.** Respondent shall obey all federal, state and local laws.  
4 A full and detailed account of any and all violations of law shall be reported by Respondent to  
5 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of  
6 compliance with this condition, Respondent shall submit completed fingerprint forms and  
7 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
8 as part of the licensure application process.

9           **Criminal Court Orders:** If Respondent is under criminal court orders, including  
10 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
11 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

12           2.       **Comply with the Board's Probation Program.** Respondent shall fully  
13 comply with the conditions of the Probation Program established by the Board and cooperate  
14 with representatives of the Board in its monitoring and investigation of the Respondent's  
15 compliance with the Board's Probation Program. Respondent shall inform the Board in writing  
16 within no more than 15 days of any address change and shall at all times maintain an active,  
17 current license status with the Board, including during any period of suspension.

18           Upon successful completion of probation, Respondent's license shall be fully  
19 restored.

20           3.       **Report in Person.** Respondent, during the period of probation, shall  
21 appear in person at interviews/meetings as directed by the Board or its designated  
22 representatives.

23           4.       **Residency, Practice, or Licensure Outside of State.** Periods of  
24 residency or practice as a registered nurse outside of California shall not apply toward a reduction  
25 of this probation time period. Respondent's probation is tolled, if and when she resides outside  
26 of California. Respondent must provide written notice to the Board within 15 days of any change  
27 of residency or practice outside the state, and within 30 days prior to re-establishing residency or  
28 returning to practice in this state.

Respondent shall provide a list of all states and territories where she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing license during the term of probation.

5. **Submit Written Reports.** Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to Respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

1                   7.     **Employment Approval and Reporting Requirements.** Respondent  
2 shall obtain prior approval from the Board before commencing or continuing any employment,  
3 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
4 performance evaluations and other employment related reports as a registered nurse upon request  
5 of the Board.

6                   Respondent shall provide a copy of this Decision to her employer and immediate  
7 supervisors prior to commencement of any nursing or other health care related employment.

8                   In addition to the above, Respondent shall notify the Board in writing within  
9 seventy-two (72) hours after she obtains any nursing or other health care related employment.

10 Respondent shall notify the Board in writing within seventy-two (72) hours after she is  
11 terminated or separated, regardless of cause, from any nursing, or other health care related  
12 employment with a full explanation of the circumstances surrounding the termination or  
13 separation.

14                   8.     **Supervision.** Respondent shall obtain prior approval from the Board  
15 regarding Respondent's level of supervision and/or collaboration before commencing or  
16 continuing any employment as a registered nurse, or education and training that includes patient  
17 care.

18                   Respondent shall practice only under the direct supervision of a registered nurse  
19 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative  
20 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)  
21 are approved.

22                   Respondent's level of supervision and/or collaboration may include, but is not  
23 limited to the following:

24                   (a)   Maximum - The individual providing supervision and/or collaboration is  
25 present in the patient care area or in any other work setting at all times.

26                   (b)   Moderate - The individual providing supervision and/or collaboration is in  
27 the patient care unit or in any other work setting at least half the hours Respondent works.

28     ///

1 (c) Minimum - The individual providing supervision and/or collaboration has  
2 person-to-person communication with Respondent at least twice during each shift worked.

3 (d) Home Health Care - If Respondent is approved to work in the home health  
4 care setting, the individual providing supervision and/or collaboration shall have person-to-  
5 person communication with Respondent as required by the Board each work day. Respondent  
6 shall maintain telephone or other telecommunication contact with the individual providing  
7 supervision and/or collaboration as required by the Board during each work day. The individual  
8 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-  
9 site visits to patients' homes visited by Respondent with or without Respondent present.

10 9. **Employment Limitations.** Respondent shall not work for a nurse's  
11 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a  
12 traveling nurse, or for an in-house nursing pool.

13 Respondent shall not work for a licensed home health agency as a visiting nurse  
14 unless the registered nursing supervision and other protections for home visits have been  
15 approved by the Board. Respondent shall not work in any other registered nursing occupation  
16 where home visits are required.

17 Respondent shall not work in any health care setting as a supervisor of registered  
18 nurses. The Board may additionally restrict Respondent from supervising licensed vocational  
19 nurses and/or unlicensed assistive personnel on a case-by-case basis.

20 Respondent shall not work as a faculty member in an approved school of nursing  
21 or as an instructor in a Board approved continuing education program.

22 Respondent shall work only on a regularly assigned, identified and predetermined  
23 worksite(s) and shall not work in a float capacity.

24 If Respondent is working or intends to work in excess of 40 hours per week, the  
25 Board may request documentation to determine whether there should be restrictions on the hours  
26 of work.

27 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall  
28 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later

1 than six months prior to the end of her probationary term.

2 Respondent shall obtain prior approval from the Board before enrolling in the  
3 course(s). Respondent shall submit to the Board the original transcripts or certificates of  
4 completion for the above required course(s). The Board shall return the original documents to  
5 Respondent after photocopying them for its records.

6 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with  
7 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
8 amount of \$1,043.25. Respondent shall be permitted to pay these costs in a payment plan  
9 approved by the Board, with payments to be completed no later than three months prior to the  
10 end of the probation term.

11 If Respondent has not complied with this condition during the probationary term,  
12 and Respondent has presented sufficient documentation of her good faith efforts to comply with  
13 this condition, and if no other conditions have been violated, the Board, in its discretion, may  
14 grant an extension of Respondent's probation period up to one year without further hearing in  
15 order to comply with this condition. During the one year extension, all original conditions of  
16 probation will apply.

17 12. **Violation of Probation.** If Respondent violates the conditions of her  
18 probation, the Board after giving Respondent notice and an opportunity to be heard, may set  
19 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's  
20 license.

21 If during the period of probation, an accusation or petition to revoke probation has  
22 been filed against Respondent's license or the Attorney General's Office has been requested to  
23 prepare an accusation or petition to revoke probation against Respondent's license, the  
24 probationary period shall automatically be extended and shall not expire until the accusation or  
25 petition has been acted upon by the Board.

26 13. **License Surrender.** During Respondent's term of probation, if she ceases  
27 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of  
28 probation, Respondent may surrender her license to the Board. The Board reserves the right to

1 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to  
2 take any other action deemed appropriate and reasonable under the circumstances, without  
3 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent  
4 will no longer be subject to the conditions of probation.

5 Surrender of Respondent's license shall be considered a disciplinary action and  
6 shall become a part of Respondent's license history with the Board. A registered nurse whose  
7 license has been surrendered may petition the Board for reinstatement no sooner than the  
8 following minimum periods from the effective date of the disciplinary decision:

9 (1) Two years for reinstatement of a license that was surrendered for any  
10 reason other than a mental or physical illness; or


11 (2) One year for a license surrendered for a mental or physical illness.

12 14. **Therapy or Counseling Program.** Respondent, at her expense, shall  
13 participate in an on-going counseling program until such time as the Board releases her from this  
14 requirement and only upon the recommendation of the counselor. Written progress reports from  
15 the counselor will be required at various intervals.

16  
17 ACCEPTANCE

18 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
19 understand the stipulation and the effect it will have on my Registered Nurse License. I enter  
20 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,  
21 and agree to be bound by the Decision and Order of the Board of Registered Nursing.

22 DATED: 3/15/05.

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25 EUCHARIA ADA EKE  
26 aka EUCHARIA ADA OSUJI  
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: March 22, 2005.

BILL LOCKYER, Attorney General  
of the State of California

  
SHARON F. COHEN, R.N.  
Supervising Deputy Attorney General  
Attorneys for Complainant

DOJ Matter ID: LA2004602332  
50022579.wpd

**Exhibit A**

**Accusation No. 2005-128**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SHARON F. COHEN, R.N., State Bar No. 107140  
Supervising Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2533  
5 Facsimile: (213) 897-2804  
6 Attorneys for Complainant

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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2005-128

12 EUCHARIA ADA EKE  
a.k.a. EUCHARIA ADA OSUJI  
13 29126 Rosewood Lane  
Highland, CA 92346  
14  
15 Registered Nurse License No. 489133  
16 Respondent.

**ACCUSATION**

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
22 Department of Consumer Affairs.
- 23 2. On or about March 31, 1993, the Board of Registered Nursing (Board)  
24 issued Registered Nurse License No. 489133 to Eucharía Ada Eke a.k.a. Eucharía Ada Osuji  
25 (Respondent). The registered nurse license was in full force and effect at all times relevant to the  
26 charges brought herein and will expire on September 30, 2006, unless renewed.

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1                   8.     Title 16, C.C.R., section 1443 states:

2                    "As used in Section 2761 of the code, 'incompetence' means the lack of  
3 possession of or the failure to exercise the degree of learning, skill, care and experience  
4 ordinarily possessed and exercised by a competent registered nurse as described in Section  
5 1443.5."

6                   9.     Title 16, C.C.R., section 1443.5 states:

7                    "A registered nurse shall be considered to be competent when he/she consistently  
8 demonstrates the ability to transfer scientific knowledge from social, biological and physical  
9 sciences in applying the nursing process, as follows:

10                  "(1) Formulates a nursing diagnosis through observation of the client's physical  
11 condition and behavior, and through interpretation of information obtained from the client and  
12 others, including the health team.

13                  "(2) Formulates a care plan, in collaboration with the client, which ensures that  
14 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and  
15 protection, and for disease prevention and restorative measures.

16                  "(3) Performs skills essential to the kind of nursing action to be taken, explains  
17 the health treatment to the client and family and teaches the client and family how to care for the  
18 client's health needs.

19                  "(4) Delegates tasks to subordinates based on the legal scopes of practice of the  
20 subordinates and on the preparation and capability needed in the tasks to be delegated, and  
21 effectively supervises nursing care being given by subordinates.

22                  "(5) Evaluates the effectiveness of the care plan through observation of the  
23 client's physical condition and behavior, signs and symptoms of illness, and reactions to  
24 treatment and through communication with the client and health team members, and modifies the  
25 plan as needed.

26                  "(6) Acts as the client's advocate, as circumstances require, by initiating action to  
27 improve health care or to change decisions or activities which are against the interests or wishes

28     ///

1 of the client, and by giving the client the opportunity to make informed decisions about health  
2 care before it is provided."

3 10. Section 118, subdivision (b), of the Code provides that the expiration of a  
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the  
5 period within which the license may be renewed, restored, reissued or reinstated.

6 11. Section 125.3, subdivision (a), states, in pertinent part:

7 "Except as otherwise provided by law, in any order issued in resolution of a  
8 disciplinary proceeding before any board within the department . . . the board may request the  
9 administrative law judge to direct a licensee found to have committed a violation or violations  
10 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
11 enforcement of the case."

12 PATIENT #M001478575

13 12. Patient M001478575 was a 67-year-old male, admitted to Arrowhead  
14 Regional Medical Center (Arrowhead) in Colton, California, on April 5, 2003, with a diagnosis  
15 of congestive heart failure exacerbation, right pleural effusion, atrial fibrillation, hypertension,  
16 diabetes and anemia.

17 13. On or about April 8, 2003, Respondent was Patient M001478575's  
18 assigned nurse.

19 14. Respondent's progress notes regarding Patient M001478575 indicate she  
20 checked this patient on April 8, 2003, at 0800 hours, 0900 hours, 1200 hours, and 1425 hours.  
21 Her notes are as follows:

22 0800 hours "Assessed pt. No c/o chest pain. Tele in place.  
23 Sinus Tac/A fib. VSS. c/o nausea. Assisted [with]  
ADL's. Continue to monitor."

24 0900 hours "Pt. refused all meds. MD aware. Refused  
25 Phenergan for nausea. Pt. lying down, resting."

26 1200 hours "Pt. states nausea subsided."

27 ///

28 ///

1           1425 hours    "Found pt. unresponsive, no pulse. Code Blue  
2                           called. Charge Nurse notified. Code Blue initiated.  
3                           Attempted to reach family several times but unable.  
                          Belongings packed at bedside. MD aware &  
                          responded to bedside."

4                   15.    At approximately 0932 hours, Respondent disconnected the patient from  
5 his telemetry monitor so she could assist him with ADL (activities of daily living) like brushing  
6 his teeth and washing his face. The charge nurse (Supattra Wonwomma Watanathai) "turned off"  
7 the alarms on the telemetry unit by placing Patient #M001478575's "unit on stand-by".

8                   16.    Patient M001478575 subsequently "coded" at approximately 1422 hours.  
9 Attempts at reviving the patient were unsuccessful, and the patient passed away at approximately  
10 1444 hours.

11                  17.    Respondent failed to verify Patient #M001478575's status on telemetry,  
12 including the alarms being on, after completion of ADL/morning care.

13                                   FIRST CAUSE FOR DISCIPLINE

14                                           (Gross Negligence)

15                  18.    Respondent is subject to disciplinary action under section 2761(a)(1) of  
16 the Code on the grounds of unprofessional conduct as defined in California Code of Regulations,  
17 title 16, section 1442 in that while on duty as a registered nurse at Arrowhead, she failed to  
18 provide care or to exercise ordinary precaution in a situation she knew, or should have known,  
19 could jeopardize Patient M001478575's health or life, as set forth above in paragraphs 12 - 17.

20                                   SECOND CAUSE FOR DISCIPLINE

21                                           (Incompetence)

22                  19.    Respondent is subject to disciplinary action under Section 2761(a)(1) of  
23 the Code on the grounds of unprofessional conduct, as defined in Title 16, C.C.R., sections 1443  
24 and 1443.5, in that Respondent committed acts of incompetence by failing to serve as a client  
25 advocate for Patient #M001478575, and by failing to exercise the degree of learning, skill, and  
26 care ordinarily possessed and exercised by a competent registered nurse, as set forth above in  
27 paragraphs 12 - 17.

28    ///

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License No. 489133, issued to  
5 Eucharia Ada Eke, a.k.a. Eucharia Ada Osuji.

6 2. Ordering Eucharia Ada Eke, a.k.a. Eucharia Ada Osuji to pay the Board of  
7 Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
8 pursuant to Business and Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 11/6/05

11  
12 Ruth Ann Terry  
13 RUTH ANN TERRY, M.P.H., R.N.  
14 Executive Officer  
15 Board of Registered Nursing  
16 Department of Consumer Affairs  
17 State of California  
18 Complainant  
19  
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